अभी भी और इसी कर्नाटक में भी अभी बहुत सारी जातियां छूटी हुई हैं । मैं आपका ध्यान इस ओर भी ले जाना चाहता हूं जैसे कि अभी इसमें नाईक, नायक, बंडा और वाल्मीकि आदि जोड़ने की जो बात रखी गयी है वह तो ठीक है लेकिन यह सिर्फ कर्नाटक स्टेट के लिए है । मेरी ऐसी मान्यता है कि इस बिल में शायद और भी कमियां रह गयी हैं ।

क्योंकि नाई और नायक, इसके सिनानिम शब्द और भी हैं, जो दूसरी स्टेट्स में भी पाये जाते हैं ।

उदाहरण के तौर पर महाराष्ट्र में शायद बंजारा है, उसको नायक कहते हैं, गुजरात में इसे राका कहते हैं, राजस्थान में इसको बंजारा कहते हैं ।

तो इस प्रकार से यह सारी जाति फैली हुई है । तो इस बिल में यही कहा गया है कि कर्नाटक में ही बसने वाले लोगों को रिजर्वेशन दिया जाएगा ।

तो मैं जानना चाहूंगा कि इस प्रकार की दूसरी स्टेट्स में जो जातियां इसी नाम से पुकारी जाती हैं, यानि सिनानिम हैं, उनका क्या होगा, क्योंकि यह दिक्कत एक स्टेट में ही नहीं, राजस्थान में, उत्तर प्रदेश और बहुत सारी स्टेट्स में इस प्रकार की समस्या है ।

मैं आपसे यही निवेदन करना चाहता हूं कि इस प्रकार को जो थोड़ी-बहुत, गलती रह गई है, उसकी भी थोड़ी-बहुत आप इसके ऊपर मान्यता प्रदान करें ।

अंत में एक छोटा सा अमेंडमेंट है, मैं इतना ही निवेदन करना चाहूंगा कि खास करके इस बिल की तरफ थोड़ा ध्यान दें, क्योंकि आने वाले समय में कई और प्रकार के विशिष्ट अमेंडमेंट लाने पड़ेंगे । धन्यवाद ।

ANNOUNCEMENT RE ARREST OF SHRI RAM AWADHESH SINGH, MEMBER, RAJYA SABHA.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I have to inform Members that the following communication dated the 23rd August, 1991 has been received from the Superintendent of Railway Police, Patna:

"Shri Ram Awadhesh Singh, Member of Rajya Sabha, was arrested on 18th August, at 10.30 hours near Patna railway station while squatting on rail track and causing disruption to railway traffic. He was arrested *vide* Patna GRP Case No. 251 dated 18-8-91 under section 143 IP and 174 Railway Act. As he declined to be released on bail, he was forwarded to judicial custody."

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (SECOND AMENDMENT) BILL 1991—Contd.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Shri Maheswarappa.

SHRI K. G. MAHESWARAPPA (Karnataka): Mr. Vice-Chairman, Sir, I rise to support this Bill.

At the outset, I thank the Minister, Mr. Sitaram Kesri, for having brought this Bill to validate the Ordinance which was in force till 4th of April, 1991.

Sir, we firmly believe in providing special opportunities to the weaker sections, otherwise the inequalities will be perpetuated. Even the Constitution, under articles 16(4) read with article 335 provides special provisions for reservation to the backward classes. And that includes the Scheduled Castes and Scheduled Tribes also.

Now, coming to this particular Bill, I want to submit, Sir, that there ap-

[Shri K. G. Maheswarappa]

pears to be some misconception regarding the provisions of this Bill. It appears that totally new communities are going to be included in the List. It is not so, Sir. Earlier, Nayak community is also there in the Schedule. Under Item No. 38 'Nayak' is there already. But now we are not trying to include all other communities. They are not new communities to be included. This is a misconception. Now, these communities, sub-sects. are synonyms of the same community.

In fact, if I may tell you, Sir, if an application is made and if the spelling, inistead of 'Nayak', 'Naik' is mentioned, that application is rejected and no relief is given. 'Nayaks' in Karnataka State are called in different names in different districts. For instance, in my district, 'Nayaks' are called 'Talwars'. In our leader Mr. Gurupadaswamy's district they are called *Parivaras*. They are called *Valmikis* in some districts. They are called *Bedas* in some other districts. Therefore, these are all synonyms of the same community. Therefore, they are to be included in the list in ordar to do justice to this particular tribal community. The Government of Karnataka has thoroughly examined this question and have recommended about it strongly. Some argument was put forward in the other House or outside as to where was the need for bringing an Ordinance, where was the need to bring this sub-caste in regard to Karnataka only. We are not trying to advocate for inclusion of new communities. There may be new communities left out even here. Mr. Vice-Chairman, out of these synonymous terms these two important sub-castes are left out. That is why Shri M. S. Gurupadaswamy and myself have brought an amendment to include *Talavara* and *Parivara* in the Schedule. Very unfortunately these two sub-castes were left out. The hon. Minister should take note of this very significant fact. In fact, in Karntaka there has been an agitation; particularly when the Janata Government was there we recommended and now the Congress Government has also recommendec the inclusion of these sub-castes. have mentioned the name of Shr Sitaram Kesri because he is support ing reservations unlike many Congress leaders. He strongly supportec the Mandal Commission in the party meeting. I welcome it. Sir, unless this Bill is brought, great injustice would be done to this particular community. Anticipating the approval anticipating the legislation to be passed by the Parliament, the State Government has allowed these communities to apply as backward tribes, a Scheduled Tribes. Thousands anc thousands of them have been appointed to the posts within 3 per cen reservation for the Scheduled Tribes Thousands of people have alread been appointed. What would be the fate if the Bill is not passed? Unfortunately, if these two communities *Parivara* and *Talavara* are also not included in the Scheduled Tribes what will happen to those who have already been appointed? They will lose their jobs. Pending approval, the State Government has allowed them to continue in the jobs. Particularly, these two communities have been demanding reservations. Therefore, let the other Members from other States not mistake that we are going to include new communities. I am not opposed to any comprehensive legislation to bring all those communities into the Scheduled Tribes list. But this is only to avoid anomaly. In fact, the hon. Members from the other States may feel that *Naikas* are different, *Bedas* are different and *Parivaras* are different. But it is not so. They are the same and one community. Why should there be a discriminatron? Therefore, I heartily welcome this legislation. This particular community which has the tribal character will be grateful to this House if this legislation is passed unanimously. With these words I fully support this Bill and at the same time I have also moved an amendment to include *Parivara* and *Talavara*. The hon. Minister should take note and come with an amendment to include these two sub-castes of the *Naik*

community to avoid this anomaly, to avoid injustice to this particular sub-caste. Though a tribal community, it is a strong community. They will be grateful to the Government and this House if this legislation is passed unanimously.

5.00 P.M.

SHRI KHYOMO LOTHA (Nagaland): Mr. Vice-Chairman, I thank you for giving me the opportunity to speak on the Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 1991.

When we talk about tribals, as far as North-East is concerned, every tribal is a distnit community, because each tribe there has its own customary useages and dialects and even the clothes that we wear, are different from each other. That is how we distinguish one tribe from the other. So, when we are bringing more communities into the list through this Bill, we have to study it thoroughly. Even after so many years of our independence, it is not very proper on our part to bring in piecemeal legislations for these communities who have been living in this country for centuries. As one hon. Member just mentioned, we are bringing in a piecemeal way certain communities and we keep on amending the Constitution. I think we should bring in a comprehensive legislation to cover all these tribes together so that they derive the benefit as are available to the Scheduled Tribes.

As you go on including the left out communities into the list of Scheduled Tribes, the population of the Scheduled Tribes is increasing whereas the percentage of reservation stands at the old figure of 7-1/2. The population of the tribals is increasing and the reservation percentage remains stagnant. So, I feel that we have to also increase the percentage of reservation in proportion to the increase in the population of the Scheduled Tribes.

The other point that I want to raise is about recognition of a tribal all over the country. For instance, I belong to a Naga tribe. So long as I remain in Nagaland I am able to derive the benefits available to me. But when I come to Delhi or go anywhere else, I am not recognised as belonging to Scheduled Tribe. I can derive the benefits in my State but not in other States. That is why most of our tribals who are serving in other parts of the country in the Central Government services, do not get these benefits and because of that, tribals in the North-East or other areas are not willing to work elsewhere. We talk of integration, emotional integration, social integration, political integration. But when the tribals in one particular State are not willing to go elsewhere to serve, because they are not able to derive those benefits, how can we ensure integration! Integration then has no meaning; real integration cannot come about. So, if a tribal is recognised as such, he should be able to derive all those benefits under the Constiution whereever he goes, because a tribal cannot be converted into a non-tribal. As far as faith or religion is concerned, yes, one can get converted from one religion to the other. But a tribal remains a tribal. So, the Government must look into this aspect. Even IAS people or other tribals in my State are not willing to serve anywhere else for fear of being deprived of those benefits. Even in the census of 1990-91, I am told, tribals have not been included in Delhi as if there are no tribals in Delhi! How can it be? When one is a tribal in Karnataka or Tamil Nadu or Andhra or Nagaland or Mizoram, he is a tribal even if he migrates to Delhi. So, this is something very unreasonable. When the Census was conducted in Delhi, the tribal people were not included. If this is so, we are like the Americans who get double citizenship. If you are in one State, you get one citizenship. If you go to another State, you get another citizenship. But this is not relevant to our Constitution. So, I appeal that whatever benefits they

[Shri Khymo Lotha]

get in their State or in their region should be given to them wherever they may be posted or wherever they may live, even when they migrate to another State.

When a Scheduled Caste or a Scheduled Tribe person converts himself to Christianity, he is being deprived of the benefits which his brothers and sisters enjoy, being a Scheduled Caste or a Scheduled Tribe. But, a neo-Buddhist or a Sikh gets all the benefits in spite of being converted to another religion. Then, why is it that only the converted Christians are deprived of this? I strongly appeal to the Government to see that these converted-Christians get all the benefits which their brothers and sisters get. Whatever the Government is giving by way of concessions or through reservations to these people must also be given to those people who have converted themselves to Christianity and those migrating to other States. With these words, I welcome and support this Bill.

श्रीमती सरला माहेश्वरी (पश्चिमी बंगाल) : माननीय उपाध्यक्ष महोदय, सदियों से वंचित उपेक्षित, उत्पीड़ित जाति को अगर राष्ट्र की विकासधारा में जोड़ने की कोई मामूली भी कोशिश होती है, उनकी जिंदगी में सभ्यता और आधुनिकता का प्रकाश लाने की कोई भी कोशिश होती है तो मैं एक कम्युनिस्ट होने के नाते उसका समर्थन करना अपना कर्त्तव्य समझती हूं। जहां तक इन पांच जातियों को अनुसूचित जनजाति की सूची में शामिल करने का सवाल है और उनको राष्ट्र की मुख्यधारा में जोड़ने का सवाल है, मुझे कोई आपत्ति नहीं है। लेकिन, मेरा सवाल बिल्कुल दूसरा है। मैं बहुत ही बुनियादी सवाल उठाना चाहती हूं कि क्या हमारी सरकार के पास इस तरह के आदिवासी समुदायों की शिनाख्त करने की, कोई मशीनरी है? कोई सर्वेक्षण करने की उनके पास कोई मशीनरी है? जहां तक कर्नाटक की इन पांच जातियों को अनुसूचित जनजाति की सूची में शामिल करने का प्रश्न है, उसस मेरा कोई एतराज नहीं है, लेकिन मैं यह जानना चाहती हूं कि क्या इसके पीछे किसी सामाजिक सर्वेक्षण का अध्ययन काम कर रहा है? क्योंकि यह सवाल सिर्फ पांच जातियों का नहीं है। सवाल यह है कि हमारे संविधान के तहत अनुसूचित जाति और जनजातियों को जो संवैधानिक अधिकार प्रदान किए गए हैं क्या हम आजादी के 44 वर्षों बाद भी उन समुदायों को वह संवैधानिक अधिकार दे सके हैं या नहीं? अगर 44 वर्षों बाद भी आज तक हमें ऐसे समुदाय मिलते जा रहे हैं कि फलां समुदाय इस सूची के अंतर्गत नहीं है तो निश्चित रूप से सरकार के इरादों और कामों पर हमें संदेह होता है। इस विशेष मामले के संदर्भ में तो मेरे पास तथ्य नहीं हैं कि इसके साथ निश्चित रूप में कोई राजनीतिक अवसरवाद काम कर रहा है या नहीं? लेकिन कांग्रेस का इतिहास राजनीतिक अवसरवाद से भरा हुआ है। इसका क्लासिकल उदाहरण मंडल-कमीशन की रिपोर्ट है। मंडल कमीशन की रिपोर्ट के आने के एक दशक तक कांग्रेस सरकार ने उस पर विचार करना जरूरी नहीं समझा कि उसकी सिफारिशें क्या हैं, उन सिफारिशों में कुछ अच्छाई है या नहीं और अगर बुराइयां हैं तो कौनसी बुराइयां हैं या उसमें सच्चाई क्या है, सत्य क्या है, असत्य क्या है, झूठ क्या है? उस पर किसी तरह की जांच करने की कोशिश कांग्रेस की तरफ से नहीं की गई। और अभी सुप्रीम कोर्ट के सामने कांग्रेस सरकार की तरफ से बयान दिया गया है कि वह इनकी सिफारिशों से सहमत नहीं है। मेरा सवाल यह है कि इस सरकार का काम करने का जो तरीका है या काम की जो पद्धति है, उसके चलते हम आदिवासी समुदाय की शिनाख्त नहीं कर पाते।

मैं और एक गंभीर सवाल उठाना चाहती हूं कि आखिर क्या कारण है कि आदिवासियों को हमारे संविधान के तहत अधिकार दिए जाने के बावजूद आज तक हम उनको राष्ट्र की विकास धारा के साथ, राष्ट्र की मुख्य धारा के साथ नहीं जोड़ पाए? आदिवासियों के उत्थान की तमाम योजनाएं यथार्थ में आकर खोखली साबित क्यों हो जाती हैं? क्या कारण है कि उनको आरक्षण के जो

लाभ हम देते हैं, वह भी प्रस्तावित सीटें तक नहीं भर पाते हैं ? इसलिए मेरा सवाल यह है क सरकार अगर वास्तव में आदिवासियों के उत्थान के लिए, उनको राष्ट्र की, विकास की मुख्य धारा से अगर जोड़ना चाहती है तो भारत भवन की तरह के रवैये से काम नहीं चलेगा । भारत भवन में जिस तरह से आदिवासियों की संस्कृति के लिए एक अलग से कक्ष बना दिया गया है और आदिवासियों की रोजमर्रा की जिंदगी में काम आने वाली चीजों को भी हमारे अभिजात्य वर्ग के ड्राइंग रूम में सजाकर पेश करने वाली चीजें बना दिया गया है । आदिवासियों की संस्कृति की रक्षा, भारत महोत्सव में आदिवासी जिस चिर-परिचित वशभूषा में रहते हैं, उस वशभूषा को पहनकर उनको एक उदाहरण के रूप में पश करके हम आदिवासियों की जिंदगी में प्रकाश की कोई किरण नहीं ला सकते ! इसलिए उप-सभाध्यक्ष महोदय, मैं यह कहना चाहती हूं कि अगर वास्तव में सरकार आदिवासियों की जिंदगी में कोई परिवर्तन लाना चाहती है, उनकी जिंदगी में कोई प्रकाश की किरण लाना चाहती है तो निश्चित रूप में सरकार को अपने दृष्टिकोण में मूलभूत रूप में परिवर्तन करना होगा । उसको एक ऐसी मशीनरी ईजाद करनी होगी, सामाजिक सर्वेक्षण के ग्रुप तैयार करने होंगे जो जाकर देखें कि हमारे देश के दूर-दराज के इलाकों में कहां पर वह आदिवासी समुदाय हैं जो आज क्षीण होते जा रहे हैं, जिनकी जनसख्या भी आज कम होती जा रही है, जिनकी सस्कृति आज विलुप्त होती जा रही है । अगर वास्तव में सरकार अपने इरादों में सचेष्ट है तो निश्चित रूप में मैं यह कहना चाहूंगी और बल देकर कहना चाहूंगी कि हमारी सरकार को अपने नजरिए में परिवर्तन करने की जरूरत है । सिर्फ एक विधेयक के जरिए या आने वाले समय में और भी विधेयक आ सकते हैं और भी कई जातियों को आप शामिल कर सकते हैं, कई स्थानीय दबाव काम करते रहते हैं कि इन जातियों को शामिल किया जाए, इनको शामिल न किया जाए, तो वास्तव में हमें एक सर्वेक्षण की जरूरत है कि वास्तव में वे जातियां कौन सी हैं जिन्हे वास्तव में हमारे संविधान में प्रदत्त लाभ मिलना चाहिए । लेकिन मैं देखती हूं कि इस सामाजिक सर्वेक्षण का नितांत अभाव है ।

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इसलिए मैं सरकार से यह अपील करना चाहती हूं कि सरकार अपने मूलभूत नजरिये में बदलाव करें अन्यथा आदिवासियो के उत्थान के लिए कई विधेयक आते रहेंगे और हर रोज हम इस सदन में बैठकर आदिवासियों पर हो रहे जुल्मों और अत्याचारो के दस्तावेज पढ रहे होंगे लेकिन उनकी जिंदगी में वास्तव में कोई परिवर्तन नहीं होगा ।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करती हूं । धन्यवाद ।

SHRI PRAGADA KOTAIAH (Andhra Pradesh): Mr. Vice-Chairmain, Sir,. at the outset, I thank you for giving me an opportunity to speak on this Bill. It is really an important Bill brought forward for bettering the living conditions of particular communities which are actually living below the poverty line. I support the Bill. During the last Session, a similar Bill was brought forward for inclusion of certain communities in Jammu and Kashmir in the S.C and S.T. list. This time, the Government has brought forward another Bill to include certain communities in Karnataka in the list of SC and STs. I understand, several State Governments have recommended the names of certain communities for inclusion in the list of Scheduled Castes and also in the list of Scheduled Tribes. Therefore, the Government could have brought forward a comprehensive Bill. Instead of legislating piecemeal, they could have brought forward a comprehensive Bill. They could have got the recommendations from the State Governments. They might have received the recommendations. If they have not received the recommendations, they could have asked the State Governments to send their recommendations in regard to the names of communities where there has been a

[Shri Pragada Kotaiah]

longstanding agitation for inclusion of the names of these communities in the list of Scheduled Castes/Scheduled Tribes, and the Government could have brought forward a comprehensive Bill so that all the eligible communities will have some sort to satisfaction. I would like to refer to two communities in Andhra Pradesh. Andhra Pradesh Government has recommended *dhobi*, that is washerman, to be included in the list of Scheduled Tribes. Several States like Maharashtra, U.P. and some other States, have already included *dhobis* in the list of Scheduled Tribes and they are eligible for concessions granted under the Constitution. Long back the Andhra Pradesh Government has made this recommendation. So, why should we not bring in some legislation to include them also in the list of Scheduled Tribes?

Similarly, Sir, we are having a coastal belt of 800 kilometres. Lakhs and lakhs of fishermen are living on the coastal belt. Now their living has become very miserable because capitalists are being encouraged to have mechanised boats worth lakhs and lakhs of rupees. They are not only fishing in their own zone, but are coming to the shore also. Normally, they are not permitted to come to the shore and catch fish, but with the mechanised boats they are coming to the shore also and catching the fish. The result is that lakhs of fishermen in the coastal belt are not having any source of living. There are millions of people on the coastal belt of Andhra Pradesh. The Andhra Pradesh Government has long back recommended to include these coastal fishermen in the list of Scheduled Tribes. Why they could not do it, I do not understand.

There is one more thing. Mere inclusion of the names of these communities in the list of Scheduled Castes and Scheduled Tribes is not going to solve the problem. In Andhra Pradesh, Maharashtra and Madhya Pradesh Naxalism has been developing. Particularly, in Andhra Pradesh, the land allotted to the tribal people is being taken away by the upper caste people or some other middlemen, with the result that they are not having any source of living in that area. Naxalites are adoptin violent methods, they are actually running *praja* courts and collectin money from certain sections of people and they are indulging in violent methods. With whose support are they indulging in violent methods? So, mere inclusion of names of certain communities is not going to serve any useful purpose. We have attained swarajay 44 years back. Even today more than one-thirds of our people are living below the poverty line. Social inequalities and economic disparities are growing day by day. Why is the Government not bringing in radical reforms to eradicate poverty, to remove economic disparities and social inequalities?

So, in addition to adding the names of all the eligible communities in the list of Scheduled Castes and Scheduled Tribes, all other facilities must be made available to them. Now, our Government is not in a position to take back the land in the tribal areas from the upper caste communities. We have taken away the land from the poorer sections, from the backward people, but the Naxalites are actually taking back the land and distributing to the tribal people. This is how our administration is going on. (*Time Bell rings*)

Therefore, I would like to request that two communities *dhobis* and washermen be included. I also request the Minister to consider the question of other backward classes also. The Mandal Commission had long back recommended to provide to them certain facilities in services and in education. In several States these socially and educationally backward classes have been identified and they are given a share in the public services and educational facilities. Why

not the same principle be adopted by the Government of India also? These poor people, particularly the other backward classes as identified by the State Governments, must also have a share in the Central services and educational facilities. These facilities have got to be extended to them.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Please conclude.

SHRI PRAGADA KOTAIAH: Sir, please give me two minutes more. This relates to the poor people, Sir, and therefore kindly give me two minutes more.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): There are many speakers. Please conclude.

SHRI PRAGADA KOTAIAH: Kindly give me two minutes more.

Sir, I would suggest that not only the Scheduled Castes and Scheduled Tribes but also other castes, who have been socially and educationally backward from time immemorial, have also to be given a share in the services and also in the Administration in order to improve their living conditions.

Thank you, Sir.

SHRI M. S. GURUPADASWAMY (Uttar Pradesh): Mr. Vice-Chairman, Sir, it is a very simple Bill which is being piloted to replace the Ordinance promulgated in the month of April 1991. The Ordinance was promulgated to satisfy a long-felt demand of the Government of Karnataka and the people of Karnataka. Before I say something on the Bill, I want to make one or two general observations.

Firstly, I support the view that piecemeal approach should be avoided as far as possible. I know, demands from various States and various sections of the community do come intermittently, but the Government has got to take an overall view of the whole question as to which are the sections, which are the communities, which are to be included in the list of Scheduled Castes and Scheduled Tribes. We should not create an impression, the Government in particular should not create an impression, that they are yielding under pressure. That is not proper. The Government itself should take the initiative to bring about a comprehensive legislation to include all the sections which should come under the list of Scheduled Castes and Scheduled Tribes.

Secondly, there has got to be a fresh look at tribal welfare and tribal development. There are various schemes but these schemes, I think, should undergo a change in the changed circumstances. I do not want to elaborate but I would like the Government to take the initiative to have a fresh look at the various projects, whether these projects are giving any benefits to the tribals or the Scheduled Castes. Coming to this Bill, Sir, the demand was made by the Karnataka Government in the year 1984. The Government of India has taken so much time to bring this Bill. Nearly seven years have elapsed since the formal demand was made by the Karnataka Government. Nevertheless, it has come, and it has been brought forward. I support it.

While supporting it, I would like to point out that the Bill is not complete. It is a very simple Bill. I do not know why the Government did not care to formulate the Bill properly. The Bill would like to insert five communities, according to them, Naik, Nayak, Beda, Bedar and Valmiki. They are all synonyms. All these communities are called by different names. They are the same communities. They are called by different names in different areas. They belong to the same family, same fraternity, same class. Therefore, they should have taken care to see that all the names in respect of these communities are brought under the purview of this Bill.

[Shri M. S. Gurupadaswamy]

For instance, they have left out the names of "Parivara" and "Talavara." We call these Naiks as "Parivara" in my district, I belong to the Mysore District. We call them "Naiks." We call them "Parivara" also. Both are the same. In the same family, brothers call themselves as "Naiks" and also as "Parivara." When they submit applications to the Government for various advantages or benefits, one brother will write "Parivara," and another brother will write, "Naik." Both are the same. The Government has not included "Parivara" in the list. It is a synonym of "Naik."

Perhaps the Government is not aware of the a letter written by the Government of Karnataka on 28.11.1984. It is the second letter. The first letter was on 16th August, 1984. The second letter was on 28th November, 1984. I will read the second letter. That is very relevant to my comments. This letter was addressed to the Secretary, Government of India, Ministry of Home Affairs, New Delhi, by the Under Secretary to Government, Social Welfare and Labour Department, Karnataka. The first paragraph reads like this, and I quote:

> "In continuation of this Government letter of even number dated 16.8.84, I am directed to state that the two tribal communities, namely, "Parivara" and "Talavara" who are now listed under STs, have represented to Government to treat them as ST under the synonym of "Naiks" which is a ST."

So, they have made a recommendation that "Parivara" and "Talavara" are nothing but synonyms. If you do not include "Parivara" and "Talavara" in the list, what will happen is that those who have got the benefits under the names of Parivaras or Talavaras would lose the benefits. Perhaps for Government service in their applications in the past instead of entering Naik, they had entered Talavaras or Parivaras. It was not a mistake. They are called Talavaras, Parivaras and Naiks, which are all the same. So, they may lose their benefits and advantages that they have been enjoying all these years. Why has this recommendation made in the second letter not been considered by the Government of India? Why has it not been included? I don't know. Perhaps it is an oversight. Even now I suggest that these two names—Talavaras and Parivaras —should be inserted in the Bill. I have sent an amendment in this regard. When the amendments are taken up, I would like the hon. Minister to agree for insertion of these names. Otherwise it will create a lot of anomalies and difficulties while implementing the Act. Therefore, if the Minister does not know, she should consult her senior colleague and accept my amendments. Without these amendments it will create a lot of difficulties. I do not want her to say that she will bring in another Bill for that purpose. She may say that, but there is nothing wrong in this. There is a letter from the Karnataka Government and you are bringing in this Bill on the basis of the recommendation made by the Karnataka Government. The recommendation is that Talavaras and Parivaras are same as Naiks. In my district they are called Parivaras and in some other districts they are called Talavaras. Therefore, I would like the hon. Minister to accept my amendments and see that they are incorporated in the Bill.

SHRI V. NARAYANASAMY (Pondicherry): I rise to support the Bill. Though this Bill seeks to include in the Schedule of the Constitution of Scheduled Tribes Order 1950 the four categories of the people in the Scheduled Tribes list, this is the second Bill which has been brought in this session by the hon. Minister for Social Welfare. The hon. Minister has the vision to take care of the downtrodden and he takes keen interest in developing the people who are be-

low the poverty line and who belong to the Scheduled Castes and Scheduled Tribes. My point is that piecemeal legislations are being brought in by the Government including some categories when some State Governments send the list. Lot of recommendations of various State Governments are pending with the Government of India. But they selectively take some States and bring the Bill here. I would like to urge upon the hon. Minister to have a Comprehensive study by appointing a Committee which should go to all the States. After considering merits and demrits for the inclusion of various categories of tribes, which really need benefit, they should come with a comprehensive Bill adding the communities which really deserve inclusion in the Scheduled Tribes Order. But bringing in piecemeal legislations—one Bill for Karnataka and another for Jammu and Kashmir and next time when the Parliament session is on, they will come with another Bill for Madhya Pradesh—should be avoided. Among the Scheduled Castes there are 50 sub-castes and among the Scheduled Tribes there are 136 sub-castes in the country. While including them in the category, problems have arisen because the people live according to the conditions in that State. In my Pondicherry State not a single family has been identified as a Scheduled Tribe. This is a sorry state of affairs. There are 500 people who are living there belonging to the Scheduled Tribe community. They are called Vettaikkaran, Kudukuduppaikkaran and Kuravas. They migrate from one place to another within the State. They are traditional hunters. They are snake-catchers and bird-shooters. They live in the forest areas. They also live in hamlets which constitute the Government land. They have also joined the Government service. In spite of several representations made by these communities the bureaucrats have not recommended inclusions to these communities in the list to the Central Government. The reason is that they will get quick jump in the Government service under reservation quota and they will become officers. That is why the bureaucrats are not willing to tolerate it. Therefore, they are not willing to include these people in the Scheduled Tribe category. In this connection I also wrote a letter to the Minister to include them in the list following an agitation by more than 5000 people belonging to these communities. They have been living for generations together in my State. Therefore, I urge upon the Minister to kindly consider these three categories of people whom I have mentioned in the Scheduled Tribes list.

They have got a Commission for Scheduled Castes and Scheduled Tribes. But I want it to be bifurcated. There should be a Commission for Scheduled Castes and another Commission for Scheduled Tribes.

Regarding the financial aspects of the Scheduled Tribes, the Government should constitute a finance committee for the Scheduled Tribes because in the North-Eastern region funds are not being provided for the developmental schemes. With these words, I conclude. Thank you very much.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष महोदय, कर्नाटक राज्य की कुछ जन-जातियों को अनुसूचित, जन जाति की सूची में सम्मिलित करने के लिये यह बिल लाया गया है। इस विधेयक पर चर्चा तो होनी नहीं चाहिये थी और इसको बगैर चर्चा के पास हो जाना चाहिये था, लेकिन हमारी इस सरकार का रवैया कुछ ऐसा है कि यह सरकार चर्चा का मौका देती है। अभी थोड़े दिन पहले जम्मू-काश्मीर राज्य की कुछ जन-जातियों को जन-जाति की सूची

[श्री संघ प्रिय गौतम]

में सम्मिलित करने के लिये सरकार एक बिल लायी थी और उस समय भी हमारे अनेक सम्मानित साथियों ने यह बताया था कि कुछ अन्य राज्यों में भी ऐसी जन-जातियां हैं, जिनको जन-जातियों की सूची में सम्मिलित करना अत्यन्त आवश्यक है। आज भी मैं अपने मित्रों को सुन रहा था कि आन्ध्र प्रदेश, कर्नाटक और अन्य राज्यों में कुछ ऐसी जन-जातियां हैं, जिनको जन-जातियों की सूची में सम्मिलित करना अनिवार्य है। इसलिये क्यों नहीं यह सरकार व्यापक पमान पर छानबीन कराकर भारत के सारे राज्यों से और राज्यों की सरकारों से सुझाव आमंत्रित करती है और एक बार तमाम उन जन-जातियों को और अनुसूचित जातियों को जिनका इन सूचियों में सम्मिलित होना आवश्यक है, ऐसा क्यों नहीं करती है? इसलिये इस सरकार की जो गति है, यह आलोचना का बाइस बनती है और चर्चा करके इस सदन का समय नष्ट होता है।

दूसरी बात मैं यह कहना चाहता हूं कि यदि सरकार की मंशा यह है कि इन जातियों के हित, कल्याण और विकास के लिये यह विधेयक लाया गया है, तो अनुभव यह कहता है कि जितनी संख्या इन जातियों की बढ़ती जा रही है, उतने ही जुल्म और अत्याचार भी उन पर बढ़ते जा रहे हैं और जितना इन लोगों का प्रचार, हित, विकास और कल्याण का किया जा रहा है, उतना हो नहीं रहा है, उसके संबंध में स्वर्गीय राजीव गांधी जी ने लाल किले से कहा था कि 100 रूपये में 85 रुपये तो रास्ते में ही लोग खा जाते हैं और 15 रुपय इन तक पहुंचते हैं। कौन खा जाता है? इस सरकार के प्रशासक और कर्मचारी। यह सरकार हमेशा से पावर में रही है। अगर यह मंशा है तो क्या इस बात की गारन्टी है कि वांछित लाभ संविधान के प्रावधानों के अनुसार इन जातियों को पहुंचेंगे? और वास्तव में उनका हित, विकास और कल्याण होगा।

महोदय, मैं केवल एक बात आदिवासियों और जन-जातियों के संबंध में कहना चाहता हूं। ज्यादातर जनजातियों का जीवन जंगलात से जुड़ा हुआ है और जंगलात का मतलब सीधा है, जंगल की पत्तियां, वहां के फल और वहां की लकड़ी और जमीन। वे सैकड़ों सालों से उस जमीन की खेती करते चले आ रहे हैं, लेकिन आज तक वह उनके नाम नहीं हैं, रिकार्ड में उस जमीन के वे अधिकारी या मालिक दर्ज नहीं हैं और उनको बेदखल किया गया है। पत्ते जो हैं, वे नीलाम करके ठेकेदारों को दिये जा रहे हैं। उनसे उनका जो पुश्तैनी पेशा था, वह छीन लिया गया है। इस सरकार ने छिनवा दिया है, ठेकेदारों के द्वारा और ये ठेकेदार वहां जाकर उनकी बहू-बेटियों के साथ बलात्कार करके उनको अपमानित करते हैं। तो क्या इस बात की गारन्टी होगी कि उनका जो पुश्तैनी पेशा है, वह वापस दिलाया जायेगा और जंगलात की जमीन, जिसपर वे आबाद हैं, जिसपर वे खेती करते हैं, लेकिन जो बेनामी है, वह उनके नाम की जायेगी?

मान्यवर, मेरा एक संदेह है। कर्नाटक राज्य अनुसूचित जाति की सूची संख्या 21 में एक जाति बाल्मिकी है और इसमें एक और बाल्मिकी जाति को भी सम्मिलित करने का प्रावधान है। मैं समझता हूं कि यह कोई ऐसा संदेह उत्पन्न न कर दे कि बाल्मिकी 'Balmiki' और 'Valmiki' दोनों एक ही हैं, क्योंकि बाल्मिकी और वाल्मिकी व्यावहारिक दृष्टि से अलग शब्द मालूम नहीं होते। इसलिये वाल्मिकी अगर अनुसूचित जन जाति में सम्मिलित कर लिये जाते हैं, तो ऐसा करने से पहले इस बात का भी परिक्षण कर लिया

जाये कि कहीं ये दोनों एक ही जातियों के तो नहीं हैं। कहीं डुप्लीकेशन न हो जाय, इसलिये मैं यह सुझाव देना चाहता हूं कि ऐसा करने से पूर्व इसका बारिकी से परीक्षण कर लिया जाये।

इन शब्दों के साथ मैं इस विधेयक

SHRI H. HANUMANTHAPPA (Karnataka): Mr. Vice-Chairman, last time, when the Bill was brought here, actually I rose to object. Why the ordinance *ipso facto* had not been brought for ratification? Somehow, the Government did not reply at that time. Again, the Government is making pick and choose. The ordinance was for both Jammu and Kashmir and Karnataka. The Government chose to bring a Bill only on the Jammu and Kashmir portion of it and it left out Karnataka. On that day, while participating in the discussion, I asked the hon. Minister why this discrimination was being done. If the ordinance was passed for both the States, both should come up. If they have not done it, the Government should explain. The bureaucracy is taking this House so lightly. Even today, why this has come separately? There is no explanation from the Government. Are we here to pass whatever they bring? Do we have no brains at all? If it is an ordinance, the whole ordinance should come up for ratification. The other day I questioned why they had been bifurcated and divided. There was no reply. Today, why this has been brought? There is no explanation. There should be an answer. I expect the Minister to at least come out with an answer why earlier it was left out and why it is coming up today. It is a matter of propriety. The House should not be taken so lightly like this. (*Interruptions*). The Government should treat the House with respect. The procedures cannot be changed or abridged according to the whims and fancies of officers or the bureaucracy. This is my first protest.

Now, coming to the subject itself, demands for inclusion and deletion of names have been there ever since the list was prepared, right from 1947. From the next day after the list was ready, demands started for some inclusions and some deletions. Somehow, the Government of India has been postponing this for the past about 40 years on the one single ground that the list has been sent to the States and the Government of India has not received replies from the States. How long can we wait? In the meanwhile, piecemeal additions are also coming. I suggested in the last discussion that you should fix up some time, October end or November end or even December end. If you don't send your recommendations, then we will think that there is nothing to say from your side and we will proceed further. You have got sufficient information in the Ministry. There are sufficient demands. You can yourself examine them or if you want to inspect certain areas, get the report and finalise; otherwise, this is a never-ending business. Whenever there is some pressure, whenever there is some force, you come with a piecemeal

[Shri H. Hanumanthappa]

legaislation and the major demand, the main demand remains as it is. Sir, even here the names of Valmiki, Bera, Nayak etc. have been included. That was our demand from Karnataka. Along with them two more names, Talawara and Pariwara, were left out. They were synonymous names, but they were amended. The reply from the Government is: The State Government has not sent its recommendations. My esteemed colleague, Mr. Gurupadaswamy, has mentioned: "On 28th November, 1984 the State Government has sent its recommendations." I don't know what the Ministry is doing. It was raised in the Lok Sabha, it was raised in the Rajya Sabha, that the State Government had sent them. If one clerk or one officer in the section misplaces the papers or if he does not want to do it, can he bring a Bill like this? There has been a letter pending in the Ministry for the last seven years. Since seven years nobody has taken note of it. And they say the State Government has not recommended! So I think some sort of streamlining of the Ministry is also required in such cases. These are all synonymous names. There are interactions, there are inter-marriages in the same community. The people cutting across party lines are saying that they belong to the same community. What is wrong in accepting them as belonging to the same community, the same status? Not for political ends. Janata Dal is saying, Communist Party is saying, the BJP is saying and the Congress also is saying the same thing. I would request the Minister, if the State Government's recommendation is there, they should rectify it either by issuing an executive order or by bringing an amendment.

One more case. Mr. Gautam has said that Valmiki in Karnataka is under the Scheduled Tribes only. The other Valmiki that he has mentioned is not in existence in Karnataka. There won't be any confusion. That is only in the Scheduled Tribes and in the Scheduled Castes there is no Valmiki at all. The Valmiki that is occurring is only in the Scheduled Tribes. I request the Minister to do justice. See what happens. In a neighbouring district he is called Nayaka, in an adjacent district he is called Pariwara and his daughter is married here, his son is married here and this man gets the benefit and the other man does not get it. Sir, added to this, of late by the demand and the pressure we have enhanced the list of Scheduled Castes as well as the Scheduled Tribes, but the Budget proportion of it, the allocation of it, is being reduced every year. If you don't proportionately increase the allocation, by merely enlisting them into the list and asking them to apply, the number of beneficiaries is being reduced. This is again cutting the coat according to the cloth. Whatever allocation is made, that will be distributed amongst them. Out of rupees hundred, if there are thirty people and that number is increased to eighty, the proportion will come down. So along with enhancing the list we should take care of the financial allocation also for the uplift of these classes.

With these words, I again request the Minister to see that the injustice caused to Talawara and Pariwara communities should be rectified either by issuing an executive order or by bringing an amendment in this Session itself by finding out from the office if a letter is there.

श्री मोहम्मद खलीलुर रहमान (आंध्र प्रदेश) : जनाब वाइसचेयरमैन साहब यह जो बिल इंट्रोड्यूस किया गया है, मैं इसकी ताईद करता हूं और सपोर्ट करता हूं । इसी महीने के पहले हफ्ते में आज से 20—25 दिन पहले जम्मू कश्मीर के गूजर और बकरवाल के ताल्लुक से एक बिल लाया गया था । जो अब बिल लाया गया है कर्नाटक के नाईक, नायक, बेडा, बेडर और वाल्मीकि के बारे में है । यह सब आर्डिनेंस के जरिये से 4 अप्रैल, 1991 को लाया गया था मगर यह जो बिल आज लाया गया है उसी वक्त फर्स्ट वीक आफ अगस्त में जो बिल लाया गया था जम्मू कश्मीर के बारे में उसमें इसको भी इन्क्लूड किया जा सकता था । उस वक्त इन्क्लूड नहीं किया गया और कोई रीजन भी नहीं बताया गया । उस वक्त आनरेबल मैम्बर्ज ने डिमांड किया था कि इसको भी लाया जाए । खैर कोई बात नहीं, देर आयाद, दुरुस्त आयाद । आज 20—25 दिन के बाद एक और बिल लाया गया है । मैं गवर्नमेंट से मतालबा करूंगा कि इन 40 सालों में कई ऐसी डाउन ट्रोडन कम्युनिटीज हैं जिनको शिडयूल्ड कास्टस एण्ड शिडयूल्ड ट्राइब्स में लाने की जरुरत है । लिहाजा मेरी गवर्नमेंट आफ इंडिया से डिमांड है कि एक कमेटी या बोर्ड बनाये और वह कमेटी या बोर्ड पूरे देश में सर्वे करे कि कौन सी कम्यूनिटीज ऐसी हैं जिनको शिड्यूल्ड कास्ट में लाया जा सकता है और कौन सी कम्यूनिटीज ऐसी हैं जिनको शिड्यूल्ड ट्राइब में लाया जा सकता है । बिल्कुल तफसीली सर्वे के बाद एक कम्प्रीहेंसिव बिल गवर्नमेंट आफ इंडिया लेकर आये इस वजह से कि कई ऐसी कम्युनिटीज हैं चुनांचे मैं आंध्र प्रदेश की बात कहता हूं वहां जो वडर और बोई हैं जिनको फिशरमैन कहा जाता है, एक जमाने से उनकी डिमांड है कि इनको शिडयूल्ड ट्राइब में लाया जाए । वहां की स्टेट गवर्नमेंट ने भी, तेलुगु देश के जमाने से इस ताल्लुक से रिकमेंड कर दिया है । मगर अफसोस की बात है कि अभी तक वडर और बोई को कवर नहीं किया गया है । इनसे हटकर आंध्र प्रदेश में एक और कम्युनिटी है रजक जिनको वाशरमैन कहते हैं । यह वाशरमन कम्युनिटी इंडिया की 16 स्टेट्स ऐसी हैं जहां पर शिडयूल्ड कास्ट में लायी गयी हैं । एक जमाने से डिमांड होने के बावजूद भी आंध्र प्रदेश में अभी इनके ताल्लुक से एक्शन नहीं लिया गया है । अभी भी इनकी डिमांड है कि इनको शिडयूल्ड कास्ट में लाया जाए । लिहाजा मैं गवर्नमेंट आफ इंडिया से यह मतालबा करूंगा कि आज जो वडर, बोई और रजक हैं जिनके बारे में वहां की स्टेट गवर्नमेंट की भी रिकमेंडेशंस है तो इनको शिडयूल्ड कास्ट और शिडयूल्ड ट्राइब में लाया जाए । इन चन्द अल्फाजों के साथ मैं एक दफा फिर यह डिमांड करूंगा कि पूरे देश का एक सर्वे कराया जाए, एक कमेटी के जरिये और उस कमेटी की जो जो रिकमेंडेशंस होती हैं उसके बाद एक कम्प्रीहेंसिव बिल लाया जाए ।

مطالبہ کروں گا کہ ان چالیس سالوں میں کئی ایسی ڈاؤن ٹرائڈن کمیونٹیز ہیں جنکو شیڈولڈ کاسٹس سے شیڈولڈ ٹرائب میں لانے کی ضرورت ہے۔ لہٰذا میری گورنمنٹ آف انڈیا سے ڈمانڈ ہے کہ ایک کمیٹی یا بورڈ بنائے اور وہ کمیٹی یا بورڈ پورے دلیشن میں سروے کرے کہ کونسی کمیونٹیز ایسی ہیں جنکو شیڈولڈ کاسٹ میں لایا جا سکتا ہے۔ اور کونسی کمیونٹیز ایسی ہیں جنکو شیڈولڈ ٹرائب میں لایا جا سکتا ہے۔ بالکل تفصیلی سروے کے بعد ایک کمپری ہینسیو بل گورنمنٹ آف انڈیا لیکر آئے اس وجہ سے کہ کئی ایسی کمیونٹیز ہیں۔ چنانچہ میں آندھرا پردیش کی بات کہتا ہوں کہ وہاں جو وڈر اور لوئی ہیں جن کو فشرمین کہا جاتا ہے۔ ایک زمانے سے انکی ڈمانڈ ہے کہ انکو شیڈولڈ ٹرائب میں لایا جائے۔ وہاں کی اسٹیٹ گورنمنٹ نے بھی۔ تیلگو دیشم کے زمانے سے اس تعلق سے ریکمینڈ کر دیا ہے۔ مگر افسوس کی بات ہے کہ ابھی تک وڈر اور لوئی کو کور

+[شری محمد خلیل الرحمان آنھر

پردیش": جناب وائس چیرمین صاحب یہ جو بل انٹروڈیوس کیا گیا ہے۔ میں اس کی تائید کرتا ہوں اور سپورٹ کرتا ہوں اس مہینے کے پہلے ہفتہ میں آج بیس پچیس دن پہلے جموں کشمیر کے گوجر اور بکروال کے تعلق سے ایک بل لایا گیا تھا جو اب بل لایا گیا ہے گرناکو کے بارے میں۔ بیڑا۔ بیڈوہ اور بالمیکی کے بارے میں ہے۔ یہ سب آرڈیننس کے ذریعے سے ۴ اپریل ۱۹۹۱ کو لایا گیا تھا مگر یہ جو بل آج لایا گیا ہے۔ اس وقت فرسٹ ویک آف اگست میں جو بل لایا گیا جموں کشمیر کے بارے میں اس میں اسکو بھی انکلوڈ کیا جا سکتا تھا۔ اس وقت انکلوڈ نہیں کیا گیا اور کوئی ریزن بھی نہیں بتایا گیا۔ اس وقت آنریبل ممبرز نے ڈمانڈ کیا تھا کہ اسکو بھی لایا جائے۔ خیر کوئی بات نہیں دیر آید درست آید آج بیس پچیس دن کے بعد ایک اور بل لایا گیا ہے۔ میں گورنمنٹ سے

†[] Translitration in Arabic Script.

ہیں کیا گیا ہے۔ ان سے ہٹ کر آندھرا پردیش میں ایک اور کیٹیگری ہے رکھ۔ جنکو واشر میں کہا جاتا ہے واشر میں کیٹیگری انڈیا کی 14 اسٹیٹس ایسی ہیں جہاں پر شیڈولڈ کاسٹ میں لائی گئی ہیں۔ ایک رہنے سے ڈمانڈ ہونے کے باوجود بھی آندھرا پردیش میں ابھی تک اسکے تعلق سے ایکشن نہیں لیا گیا ہے ابھی بھی اکی ڈمانڈ ہے کہ انکو شیڈولڈ کاسٹ میں لایا جائے۔ لہذا میں گورنمنٹ آف انڈیا سے یہ مطالبہ کروں گا کہ آج جو وڈر۔ لوئی اور رکھ ہیں جنکے بارے میں وہاں کی اسٹیٹ گورنمنٹ کی بھی ریکمنڈیشن ہے تو انکو شیڈولڈ کاسٹ اور شیڈولڈ ٹرائب میں لایا جائے۔ ان چند الفاظوں کے ساتھ میں ایک دفعہ پھر یہ ڈمانڈ کروں گا کہ پورے ریشن کا ایک سروے کرایا جائے ایک کمیٹی کے ورلیم اور اس کمیٹی کی جو ریکمنڈیشنس ہوتی ہیں اسکے بعد ایک کمیری ہیٹو ل لایا جائے]

श्री ईश दत्त यादव (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, कर्नाटक की नाईक, नायक, बेडा बेडर और वाल्मीकि जातियों को अनुसूचित जाति में सम्मिलित करने के लिए संविधान में संशोधन करने के लिए जो बिल प्रस्तुत किया गया है मैं इसका स्वागत और समर्थन करता हू । लेकिन मान्यवर, श्री नारायणसामी, श्री हनुमनतप्पा, श्री संघ प्रिय गौतम जी और खलीलुर रहमान साहब और करीब करीब सभी माननीय सदस्यों ने एक प्रश्न खड़ा किया है आपके माध्यम से सरकार के सामने कि जब 15--20 दिन पहले कश्मीर के बारे में इस तरह का बिल आया था तो उसी समय कर्नाटक का बिल क्यों नहीं पश किया गया या दोनों को एक साथ क्यों नहीं पेश किया गया । इस सदन के बहुमूल्य समय को दो दिनों में क्यों बांट दिया गया, क्यों नष्ट किया गया । मान्यवर, श्री हनुमनतप्पा जी का प्रश्न बहुत सार्थक है और मेरी समझ में इसके दो उत्तर आ रहे हैं । पहला उत्तर तो यह लगता है कि यह जो वर्तमान सरकार है यह कन्फ्यूज्ड है । हरिजन और पिछड़ी जातियों के विकास के लिए उत्थान के लिए इस मामले में कन्फ्यूजन है और दूसरा उत्तर मुझे यह लगता है कि उत्तर में कश्मीर के बारे में सीताराम केसरी जी ने बिल पेश किया था और यह कर्नाटक का मामला दक्षिण का है तो छोटी मंत्री श्रीमती कमला देवी जी ने पेश किया है... **(व्यवधान)**

आप नहीं समझ पाएंगी सत्या बहिन जी, यह गूढ़ बात है । यह आपके समझ के बाहर की चीज कह रहा हूं मैं ।

इसलिए मैं कह रहा था कि सरकार कन्फ्यूजड है । जिन जातियों को आज सम्मिलित किया गया है वह 43-44 साल के बाद किया गया है । क्या आज से

(श्री ईश दत्त यादव)

43-44 साल पहले इन जातियों की स्थिति अच्छी थी । इनको अनुसूचित जाति में उस समय क्यों नहीं सम्मिलित किया गया जब और जातियों को इस देश में सम्मिलित किया गया था और इसी लिए फिर दोहरा रहा हूं कि सरकार हमेशा कन्फ्यूजन में है और सरकार ने हमेशा वोट के लिए सत्ता के लिए हरिजनों गिरिजनों और पिछड़ी जातियों को लालच देकर उनका शोषण किया है ... (व्यवधान) आपकी सरकार ने ज्यादा किया । हम लोगों को तो कममौका मिला है । हम लोगों को मौका कहां मिला ।

श्री हेच० हनुमनतप्पा : आपको मिनिस्ट्री भी नहीं दी । आपका भी शोषण हुआ है ।

श्री ईश दत्त यादव : मैं समाप्त कर रहा हूं । मैं समझ रहा हूं कि समय बहुत कम है । तो मैं कह रहा था मान्यवर, कि सरकार की मंशा साफ नहीं लगती, क्योंकि जितनी जातियों का आरक्षण किया गया है इसके पहले अनुसूचित जाति और जनजाति का, माननीय मंत्री जी यह बतायें कि उनका कोटा आज तक 42,43 साल में पूरा क्यों नहीं किया गया ? अगर सरकार की मंशा रही होती तो कोटा पूरा हो गया होता । अठारह प्रतिशत का चतुर्थ श्रेणी का कोटा, जो संभवत: बीस प्रतिशत का होता है, उसको भी सरकार ने पूरा नहीं किया ।

मान्यवर, मंडल कमीशन की रिपोर्ट के बारे में तो बहुत बहस हो गई । वर्तमान सरकार उस मंडल कमीशन की रिपोर्ट को पूर्णतया इगनोर क रही हैं । वार्षिक मोर्चे की सरकार ने मंडल कमीशन लागू करने का फैसला किया था । अब मामला सुप्रीम कोर्ट के विचाराधीन है । प्रधान मंत्री जी का इसी संबंध में मैंने इसी सदन में भाषण सुना । (**समय की घंटी**)

मैं दो मिनट का समय लूंगा, ज्यादा समय नहीं लूंगा । निराशा हुई । जब कश्मीर का बिल पेश हुआ था, उस समय समाज कल्याण मंत्री, माननीय केसरी जी से भी मैंने और दूसरे माननीय सदस्यों ने प्रश्न किया था । उन्होंने भी इसका उत्तर गोल कर दिया कि मंडल कमीशन का क्या होगा । उन पिछड़ी जातियों के उत्थान के लिए क्या होगा, जिसके लिए मंडल कमीशन ने अपनी संतुति दी थी, जिसको लागू करने के लिए राष्ट्रीय मोर्चे की सरकार ने फैसला किया था, इसी सदन में घोषणा की थी, उसका आप क्या करने जा रहे हैं ?

मैं फिर दोहराना चाहता हूं कि इस सरकार की नीति पिछड़ी जातियों के लिए, गिरिजन हरिजन के लिए, अनुसूचित जाति के लिए साफ नहीं है और केवल राजनीतिक दोहन और राजनीतिक शोषण यह सरकार करना चाहती है ।

अंतिम चीज, मैं आपकी घंटी बजने के पूर्व ही कह देना चाहता हूं, क्योंकि मैं देख रहा हूं कि आपकी अंगुली घंटी की तरफ बढ़ रही है—अंतिम चीज मैं कहना चाहता हूं कि सभी माननीय सदस्यों की राय है और आप भी इसी राय के होंगे कि इस सरकार को सभी स्टेट गवर्नमेंटस को एक डाइरेक्शन दे देनी चाहिए कि आपके प्रदेशों में जितनी अनुसूचित जातियां, जन-जातियां हैं, जिनको सम्मिलित करना है, अनुसूचित और जन-जाति की श्रेणी में

संविधान में संशोधन करना है, उनको आप भेज दें और इसके लिए एक टाईम-बाऊंड प्रोग्राम कर दिया जाए ।

मान्यवर, उत्तर प्रदेश में एक भर्र जाति है, राजभर्र जाति है। मेरा जानकरी में दो साल पहले, जब श्री नारायण दत्त तिवारी जी उस प्रदेश के मुख्य मंत्री थे, उनके कार्यकाल में एक संतुति भेजी गई थी कि भर्र जाति को अनुसूचित जाति में सम्मिलित कर लिया जाए । पर सरकार ने ध्यान नहीं दिया ।

मैं माननीय मंत्री जी से चाहूंगा कि वह इसका पता लगायें कि राजभर्र जाति और भर्र जाति के बारे में उत्तर प्रदेश सरकार की संतुति आई है कि नहीं आई है । अगर आ गई है, तो फिर एक दिन इसके लिए हम लोग समय देने के लिए तैयार हैं । कृपया उसको भी पेश कर दीजिए । लेकिन पूरे देश के लिए एक अवधि निर्धारित कर दीजिए, ताकि उस दिन तक यह सूची तैयार हो जाए और संसद में पेश हो जाए ।

बहुत-बहुत धन्यवाद ।

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): Mr. Vice-Chairman, I thank you for affording me this opportunity. Last time a Bill was brought to bring certain tribes of Kashmir on the list of Scheduled Tribes. That Bill pertained to Gujjars and Bakrawals and that was to give effect to an ordinance which was promulgated by Chandra Shekhar Sahib's Government. We are greatly obliged to Chandra Shekharji for having for the first time recognised Gujjars and Bakrawals as Scheduled Tribes. But Mr. Chandra Shekhar did one mistake, that he divided the State's recommendation into two parts and accepted a part and omitted the other part. With regard to Gujjars and Bakrawals he agreed and brought an ordinance but with regard to Argons of Ladakh and the Pahari-speaking people, the Sansi and the Bajigars, he remained silent. There was for Mr. Chandra Shekhar no yardstick for accepting one part of the recommendation made by the State Government and ignoring the other part. However, we are thinkful that at least he recognised, to some extent, the long-standing demand of the people which was pending for years together. Now, when the Bill was introduced, it was hoped—the Minister may kindly note—that not only the Gujjars and the Bakkarwals who were already recongnised by means of an ordinance, but also other groups and other tribes recommended by the Government of Jammu and Kashmir would also be included. It appears that our Ministers are more obsessed by how the papers are brought by the bureaucracy. The Bill recommended that Gujjars and the Bakkarwals be included and also the Gaddis and Chipis but it again forgot the Pahari-speaking tribes and the Arghons of Ladakh. These constitute 200 families, about two thousand people or even less. The Arghons who are living in Kargil district have been recognised by the Bill. These people are cross breeds and therefore they are called Arghons. The Arghons here have been recognised because the whole of Kargil district, a substantial part of its population is constituted by them. Leh is only a

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few hundred kilometres from there, and the Arghons living here have been forgotten. This is a mistake which needs to be rectified. These people should also be included in the Bill. I have brought an amendment to this effect. I had talked to the Minister about this and he had given me an assurance that he would look into it. But it has not been done and the Minister is not here. It looks like he does not want to face the House or he does not want to face me. He had given an assurance to the House that he would bring the Bill only after considering the other tribes also. This also amounts to an assurance by the Government itself. At present they have brought a Bill with regard to the State of Karnataka. The hon. Members have said that bringing out a Bill piecemeal for various States is not correct and the worst part of it is when it is done piecemeal with respect to each State also. They had brought a piecemeal Bill with respect to Jammu and Kashmir. They had brought one Bill with regard to Gujjars and Bakkarwals and again they brought another Bill with regard to Gaddis and Chipis and forgot the Arghons and the Pahari-speaking people. I welcome this Bill in so far as it has brought certain tribes into its fold, but it has again left out certain other tribes as stated by some of the hon. Members. So we are sailing in the same boat. Now, the people of Karnataka are clamouring that the other tribes that have been left out should have found a place here. I would request that this Bill should not only be passed but that the other tribes should also be included in the Bill. I hope the hon. Minister will take note of this. I have moved an ammendment to this effect to remove this injustice done to the Pahari-speaking tribes and the Arghons and I will speak again while moving the amendment. I thank you very much, Mr. Vice-Chairman, for having given me the time to speak on the Bill.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Now the Minister will reply.

SHRIMATI K. KAMALA KUMARI): Hon. Vice-Chairman, I am grateful to you all for participating in the discussion on the Constitution (Scheduled Tribes) Order (Second Ammendment) Bill, 1991 and thank you for the valuable suggestions given in this regard. The Bill seeks to include Naik, Nayak, Beda, Bedar and Valmiki in the list of Scheduled Tribes in Karnataka. I am glad that the Members have whole-heartedly supported the Bill and I am thankful to all of them. Some of the Members have said that some other castes should also be included in the list. But the present Bill provides for inclusion of certain tribes in the list of Scheduled Tribes in Karnataka only and they should know this. That they must know, first of all. The second thing is regarding the Parivara and Talavara communities. The proposal for the inclusion of these communities in the list of Scheduled Tribes of Karnataka will be considered in the context of the comprehensive revison of the list of Scheduled

Castes and Scheduled Tribes in consultation with the State Governments and the Registrar-General of India... (*Interruptions*)...

SHRI H. HANUMANTHAPPA: No, it is not revision. This is not revision. If it is revision, we can wait ...(*Interruptions*)...It is the same thing, but the names are different... (*Interruptions*)...

SHRIMATI K. KAMALA KUMARI: I will see to it. Sir, there was a persistent demand for the inclusion of the Nayak, Naik, Beda, Bedar and Valmiki communities in the list of Scheduled Tribes of Karnataka. The State Government had also recommended the inclusion of these communities in the list of Scheduled Tribes. Some Members have pointed out that there are a number of communities in the country which are very backward and which deserve inclusion in the list of Scheduled Castes and Scheduled Tribes. They wanted to know how long it will take to include these communities in the list of Scheduled Castes and Scheduled Tribes. In this connection, I would like to inform the House that my Government is actively considering the various proposals in the context of a comprehensive revision of the list of Scheduled Castes and Scheduled Tribes in consultation with the State Governments and the Registrar-General of India. We would try to expedite the consideration of the proposals on top priority.

I would now request the august House to pass the Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 1991.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I shall now put the motion to vote:

The question is:

"That the Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Karnataka, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): We shall now take up clause-by-clause consideration of the Bill.

Clause 2-Amendment of the Constitution (Scheduled Tribes) Order, 1950.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): There are two amendments, one by Mr. Ajit Jogi and another by Mr. Gurupadaswamy. Mr. Jogi is not here. Now, Mr. Gurupadaswamy to move his amendment.

SHRI M. S. GURUPADASWAMY: Sir, I beg to move:

(2) "That at page 1, line 10, *after* the word 'Valmiki' the words 'Parivara and Talavara" be inserted."

The question was proposed.

SHRI M. S. GURUPADASWAMY: Sir, I would like to say that the reply of the Minister is thoroughly unsatisfactory. I think she has not been properly informed by her officials. My friend, Mr. Hanumanthappa, pointed out that these are synonymous and they are not different. The Minister has just now said that the Government will consult the Karnataka Government in this matter. The Karnataka Government had written a letter long ago. What is there now for consultation? There is no room for consultation now. They have already made the position clear. They have informed the Government of India that these two names should also be included in the list. I have already read out from the letter and there is nothing which requires any clarification from the Government of Karnataka. As regards the Registrar-General, I think the Registrar-General should have taken note of the letter written by the Government of

[Shri M. S. Gurupadaswamy]

Karnataka. It had been written long ago and it is seven years old. I quoted that letter. So, I think it does not require any further consideration or consultation. I think the Minister should agree to include these two names. They are synonymous and they are not different communities. "Naik" and "Parivara" are one and the same. If you pass this Bill without including these two, I think it will create a lot of anomalies, a lot of difficulties and a lot of uncertainties. In the same family, different persons would have given differently, one as Parivara and another as Naik. They will lose the advantages, the benefits they are getting all these years. Therefore, this is a practical difficulty. I don't think that the reply is satisfactory, and I press my Amendment.

SHRI K. G. MAHESWARAPPA: I have also given my Amendment.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Only one can do. He has already moved it.

SHRI K. G. MAHESWARAPPA: I have separately given it. I want to say only one thing. One hardship is going to be caused if these two sub-castes—Parivaras and Talavaras—are not included now. Those who have already been appointed, they will go out of jobs. The hon. Minister should know that the State Government have already allowed them as Scheduled Tribes and they have been getting the benefits of Scheduled Tribes all these years. I hope the Minister is following me. They have also been given benefits. They have been in service. They will be out of service if you do not include them. I suggest that the Government at least should come out with another Ordinance to give relief to these two sub-castes.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Are you pressing your Amendment?

SHRI K. G. MAHESWARAPPA: I am pressing my Amendment. If there is any legal difficulty in including now, and if the Government is not in a position to accept my Amendment, I can think of withdrawing my Amendment if they give an assurance that they are going to come up with another Ordinance in this session itself. Otherwise, I may have to press my Amendment.

SHRI M. S. GURUPADASWAMY: No Ordinance now.

AN HON. MEMBER: How can an Ordinance be brought when the House is in session?

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Let the Minister reply.

SHRIMATI K. KAMALA KUMARI: I will examine the matter.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): She said that she will examine it.

SHRI M. S. GURUPADASWAMY: We do not want examination at all. She has to accept our Amendment because further examination is not necessary in this. They are synonyms.

SHRI H. HANUMANTHAPPA: While agreeing to Mr. Gurupadaswamy's proposal, I only want to say that this is only a replacement of the Ordinance. That technical point still remains. So, I hope the Government will look into it later for the inclusion of the Amendment because *ipso facto* we have to ratify... (*Interruption*) Please let me finish. I may be wrong. But let me finish. You have got your own view. But the point here is that an Ordinance has been passed. The same has come here as a Bill. But we have raised certain things which should have been in the Ordinance. So, I request the Government to take note of these feelings and the correspondence in the Ministry at least while coming

back to the House with the Amendment because now we have a technical difficulty. We have to pass the Ordinance as it is.

SHRI M. S. GURUPADASWAMY: Let me clarify. When the Ordinance is issued, Parliament is competent to change the Ordinance also. Therefore, it is not necessary to issue another Ordinance for that purpose. We are passing...

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): He is pointing out the technical thing.

SHRI M. S. GURUPADASWAMY: Nothing technical here. We are passing a Bill. The Bill can alter the Ordinance. You are a lawyer. I think, we can alter the Ordinance. Therefore, I suggest... *(Interruptions)* If you do not know, please consult your lawyers. Please understand this. It will create a lot of anomalies and difficulties in the working. People will lose their benefits which they are getting already under the Ordinance. If there had been no anomalies arising out of this Bill, I would not have pressed my Amendment. This leads to a lot of anomalies and difficulties. That is why I press my Amendment.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Any reaction from the Minister?

SHRIMATI K. KAMALA KUMARI: I already said that I will examine.

SHRI K. G. MAHESWARAPPA: Some responsible Minister should assure whether they are going to... *(Interruptions)*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Every Minister is a responsible one.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI MARGARET ALVA): Do you mean that women Ministers are not responsible?

SHRI K. G. MAHESWARAPPA: No, no. I am not casting any aspersion. I respect her. We are not satisfied. We are not particular about pressing our Amendment. We are not pressing our amendment, but we are forced to press the amendment. There is no satisfactory reply from the treasury bench.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Okay. I shall take that amendment as having been moved. Now I put Amendment No. 2 to vote.

Amendment No. 2 was negatived.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Now the question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

NEW CLAUSE 2A

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): There are two amendments for inserting a new clause, Clause 2A. Mr. Salaria.

SHRI SHABBIR AHMAD SALARIA: Sir, I beg to move:

"That at page 1, *after* line 10 the following be *inserted*, namely:—

(3) '2A. In the Schedule to the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989, after item 12 the following items shall be added, namely:—

13. Pahari speaking Tribes.
14. Arghons of Ladakh.' "

The question was proposed.

SHRI SHABBIR AHMAD SALARIA: Sir, I want to make a small submission.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA:) You have already made a speech on the Bill.

SHRI SHABBIR AHMAD SALARIA: I would be as brief as possible.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Are you pressing it or are you going to withdraw it?

SHRI SHABBIR AHMAD SALARIA: Mr. Kesri last time when he piloted the Bill which was brought earlier with regard to J and K in the session which has just ended—in that he assured the House that they will bring a new one. I want to tell the hon. Minister of State who has come here—I want to bring to the notice of the Government by means of this amendment that they must not forget that they have already given an assurance in the House that they would consider the case of Paharis and Arghons of Ladakh. I want the hon. Minister to say that this will be examined and considered.

SHRIMATI JAYANTHI NATARAJAN: This is about Karnataka. (*Interruptions*)

SHRI SHABBIR AHMAD SALARIA: I want to say that a Bill which is brought with regard to Scheduled Castes can refer to so many Scheduled Castes in various parts of the country. Where is the bar? My friends may kindly tell me, where is the bar?

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Are you going to press your amendment? (*Interruptions*). If you are not going to press it, you can withdraw it. (*Interruptions*)

SHRI SHABBIR AHMAD SALARIA: All right I would like to withdraw.

Amendment No. 3 was by leave, withdrawn.

NEW CLAUSE 2A

SHRIMATI KAMLA SINHA (Bihar): Sir, I beg to move:

"That at page 1, *after* line 10 the following be *inserted*, namely:

'In the Schedule to the Constitution (Scheduled Tribes) Order, 1960, in 'Part III,—Bihar', after item 30, the following shall be added, namely:—

31. Kolh.

32. Dhangar.

33. Tharu.'"

The question was proposed.

उपसभाध्यक्ष महोदय, मैं आपके माध्यम से सरकार का ध्यान आकृष्ट करना चाहती हूं । यह ठीक है कि यह अमेंडमेंट लाया गया कर्नाटक के संबंध में, लेकिन कर्नाटक के अलावा भी कई प्रान्तों में पिछड़े शेडयूल्ड ट्राइब्स एसे हैं जिनको शेडयूल्ड ट्राइब्स की सूची में नहीं रखा गया। जैसे बिहार से बार-बार सरकार ने लिखा है इन जातियों के बारे में जिनको अभी तक जोड़ा नहीं गया है—जैसे कोल्ह, ढांगर, ठारू । ठारू जाति के लोग नेपाल की तराई में बहुसंख्या में पाए जाते हैं, लाखों की संख्या में हैं और ये आदिवासी हैं लेकिन आदिवासी होने की कोई सुविधा इनको प्राप्त नहीं है । ढांगर और कोल्ह पूरी विंध्यमाला के ऊपर पहाड़ों में जंगलों में रहते हैं । आदिवासी होने के बावजूद इनको आदिवासी होने का कोई लाभ आज तक उपलब्ध नहीं है । बिहार सरकार ने व अन्य सरकारों ने भी केन्द्र सरकार को लिखा है कि इनको आदिवासियों की सूची में जोड़ा जाए । सरकार ने यह विधेयक लाया, संशोधन विधेयक, तो मैंने केवल इस बात को सरकार के ध्यान में लाने के लिए इन बिन्दुओं को उठाया कि इनको भी जब एक समेकित संशोधन विधेयक ये लाएं तब इन तीन जातियों को जो छोड़ दिया गया है, उस समय इनको भी उसमें जोड़ने की बात करें और जोड़ें ।

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): So, you are not going to press the amendment?

SHRIMATI KAMLA SINHA: If there is any assurance from the Minister, I will not press. Otherwise, I have my difficulties. But in the light of her assurance I withdraw.

Amendment No. 5 was, by leave withdrawn.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): There is one amendment for insertion of new Clause 3 by Shri Sitaram Kesri.

NEW CLAUSE 3

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI K. KAMALA KUMARI): Sir, I move:

"That at page 1 *after* line 10 the following be *inserted* namely:—

3. (1) the Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Constitution (Scheduled Tribes) Order, 1950, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Order, as amended by this Act.'"

The question was put and the motion was adopted.

New Clause 3 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SMT. K. KAMALA KUMARI: I move:

"That the Bill, as amended, be passed.

The question was put and the motion was adopted.

THE WILDLIFE (PROTECTION) AMENDMENT BILL, 1991

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Now, we will take up the Wildlife (Protection) Amendment Bill, 1991.

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): Sir, I move:

"That the Bill further to amend the Wildlife (Protection) Act, 1972, be taken into consideration."

India's wildlife is a precious heritage and it is a constitutional obligation of the Government of India and of every citizen of the country to protect and safeguard it. The Wildlife (Protection) Act, 1972 provides the main legal framework for protection of wildlife and managament of its habitats. The responsibility of implementing this Act vests mainly in State Government, who have created their Wildlife Wings for the purpose. In the implementation of the Act over the last 19 years it has been realised that there is a need for amendment of certain provisions of the Act not only to make it more stringent and effective but certain new areas like Management of Zoos and Regulation of Collection of rare and endangered species of plants are also necessary and which so far have been left out from the purview of this legislation.

The Bill under consideration aims at achieving these objectives and to bring the Act in line with the currently felt needs of nature conservation.

Wildlife in our country has suffered serious depletion on account of pressures exerted by the rapid growth of population and the consumption-oriented approach, regardless of the need to maintain essential biodiversity and ecological processes, balances, and life-support systems which are so vital for land productivity and food